IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 7707 of 1990

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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JOITIBEN ISHWARBHAI PATEL HEIRS OF PATEL ISHWARBHAI P. - Petitioner(s)

Versus

STATE OF GUJARAT & 2 - Respondent(s)

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Appearance :

(MR GA PANDIT) for Petitioner(s) : 1,NOTICE UNSERVED for Petitioner(s) : 1.2.1, 1.2.2, 1.2.3,1.2.4
None for Respondent(s) : 1, 3,
MR. DIPEN DESAI, ASST. GOVERNMENT PLEADER for Respondent(s) : 2,

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 28/09/2005

ORAL JUDGMENT

1.In this petition under Articles 226 and 227 of the

Constitution of India, the original petitioner has challenged the legality and validity of the judgment and order passed by the Additional Chief Secretary (Appeals), Revenue Department, State of Gujarat dated 1.8.90 passed in Revision Application No.3/90 in quashing and setting aside the Non-agricultural Use Permission granted by the Collector, Mehsana dated 27.3.1990 with respect to the land bearing Survey No.1367/1 situated at village Mansa, Taluka Vijapur, District Mehsana.

2. This Special Civil Application was filed by Shri G.A.Pandit, learned advocate, however, unfortunately, he has died and even the petitioner has also expired in the year 1991 and no steps are taken to bring the heirs of the deceased-petitioner on record.

3. Under the circumstances, the present Special Civil Application is dismissed as abated. However, it will be open for the heirs of the original petitioner to apply for setting aside abatement and the same can be considered in accordance with law and on merits as even the Notice with regard to the death of Shri G.A.Pandit, learned advocate, is also returned unserved.

4.Rule is discharged. Ad-interim relief granted earlier stands vacated forthwith. No order as to costs.

(M.R.SHAH, J.)

kdc.